

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 257 of 1990

WITH

CIVIL APPLICATION NO. 127 OF 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

DHIRUBHAI L BHATT

Versus

MODI BACHUBHAI SAKALCHAND

Appearance:

MR KV SHELAT for Petitioner
Respondent - party-in-person.

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 02/04/97

ORAL JUDGEMENT

1. Aggrieved by the order of possession of warrant issued by the court below in Darkhast No. 473/1980 the present petitioner - Dhirubhai Laxmishankar Bhatt has filed this revision application.

2. From the record it appears that at the time of

execution of the possession warrant, the petitioner raised objection and created obstruction in execution of possession warrant. In pursuance of the objection raised by the petitioner, the respondent - landlord filed Civil Misc. Application No. 293 of 1987 for removal of obstruction. The said application has been rejected by the Court below on merits vide order dated 15/12/1989. The effect of rejection of Civil Misc. Application No. 293 of 1987 is that the objection raised by the present petitioner- Dhirubhai Laxmishankar Bhatt, is upheld. The respondent, party-in-person, stated that the order of rejection passed by court in Civil Misc. Application No. 293 of 1987 has been challenged by him in this Court by filing Appeal From Order No. 2499 of 1994 and the same is pending. Since the order of rejection has been challenged in this court, execution of possession warrant against the present petitioner would also be subject to the result of Appeal From Order No. 2499 of 1994; in other words, till the Appeal From Order is decided, the possession warrant cannot be executed against the present petitioner - Dhirubhai Laxmishanker Bhatt.

3. In light of the aforesaid circumstances and subsequent development, i.e., upholding of the petitioner's objection against execution of possession warrant, this revision application has become infructuous and learned advocate for the petitioner seeks permission to withdraw. Permission to withdraw is granted. Petition stands disposed of as withdrawn. Rule discharged accordingly. Ad-interim stay is vacated. No order as to cost.

In view of the withdrawal of the Civil Revision Application as stated above, the applicant, party-in-person also seeks to withdraw the Civil Application No. 127 of 1997. Permission to withdraw granted. Rule discharged accordingly. No order as to costs.

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